

Draft Minutes
HOME CARE EMPLOYMENT STANDARDS BOARD
August 2, 2022
1:00 p.m.

MEETING LOCATIONS:

Per Assembly Bill (AB) 253 (2021), public bodies whose members are not required to be elected officials may hold public meetings by means of remote technology system with no physical location.

Accordingly, all members of the public were encouraged to participate by using the web-based link and teleconference number provided in the notice.

Call to order– Cody Phinney, Chair Designee

Cody Phinney, Chair opened the meeting at 1:10 p.m.

Agenda Item 2: Roll Call – Kayla Samuels, Management Analyst

Kayla Samuels reviewed expectations for the meeting and took roll call.

BOARD MEMBERS PRESENT:

Cody Phinney, Chair Designee
Safiyyah Abdul Rahim
Maxine Hartranft
Shanieka Cooper

DIVISION OF PUBLIC & BEHAVIORAL HEALTH (DPBH) STAFF PRESENT:

Kayla Samuels, Management Analyst, Bureau of Health Care Quality and Compliance (HCQC)

OTHERS PRESENT:

Pierron Tackes, Attorney General's Office
Kristi De Leon
Gerardo Louis Gonzalez
Erma Henderson, Home Care Worker

Roll call was taken, and it was determined that a quorum of the Home Care Employment Standards Board (HCESB) Subcommittee on Systemic Racism and Economic Injustice was present.

General Public Comment

Erma Henderson introduced herself as an ordained minister and congratulated the Subcommittee, saying the topic has been an issue so it is good to see something being done. Ms. Henderson shared a story saying she was doing home care in a home of a Caucasian family and was treated rudely due to her skin color. Ms. Henderson said the family did not know who the agency was sending, and abruptly turned her back to her car. The replacement the agency sent, who was Caucasian, slept on the job and ate the client's food. Ms. Henderson said the clients asked the agency to send her back. Ms. Henderson said she returned to provide home care for the client despite the treatment she received and when the woman she cared for passed, Ms. Henderson was left in her will. Ms. Henderson said when someone stays tough, forgiving, and loving, not everybody is going to like you or see you, but you have to stay forgiving. Ms. Henderson said she feels good things are coming and has high hopes for the subcommittee.

Agenda Item 4: Possible Action Item – Discussion and possible action to make proposed recommendations to Director regarding systemic racism and economic injustice as it relates to the home care industry.

Cody Phinney, Chair, Deputy Administrator, Division of Public and Behavioral Health (DPBH)

Safiyya Abdul Rahim said she feels the subcommittee is very important to home care workers and black women, who are still trying to get respect and a voice in this country and field. Ms. Abdul Rahim said home care workers are going to fight against being treated as slaves, saying systemic racism is the heart of why home care workers are underpaid and why home care work is considered non-essential. Ms. Abdul Rahim said she feels that systemic racism is why home care workers do not have the benefits, voice, pay or time off and feels like these workers have been ignored, that people still consider home care workers the help. Ms. Abdul Rahim said the recent HCESB survey shows that the home care workers are 77% women and 61% are people of color (POC), so because the majority of home care workers are women and POC, they have been exploited, undervalued, and underpaid. With the Board it is time for real change to happen. Ms. Abdul Rahim said she does not want home care workers to be used as poster children whose voices are just to get elected officials endorsements. Real change needs to happen. Ms. Abdul Rahim said she has experienced disparities in her wages, benefits, and hours. Some clients she feels are not getting the hours and other things they need because of the way the system is set up. Ms. Abdul Rahim said systemic racism is shown through home care in Nevada being one of the lowest reimbursement rates in the country and the low wages for workers. The power structure that continues to think \$11 an hour is acceptable assumes workers will just take it, however workers cannot pay rent and are struggling. Ms. Abdul Rahim said she is proud and honored to contribute to the Home Care Employment Standards Board and to be on the subcommittee because her fellow home care workers and herself are part of the heritage of women and POC fighting for justice, as they are still trying to fight for justice. Ms. Abdul Rahim said she is looking forward to working with the subcommittee and discussing the specific problems being faced in home care along with potential solutions in more depth as the Subcommittee moves forward.

Chair Phinney brought up the topic of the hours a recipient of home care services receives and is approved for that Ms. Abdul Rahim addressed. At one point the Board discussed an assessment

of the hours and whether there are disparities related to race and gender, and asked Ms. Samuels if staff received an assessment from the Office of Data Analytics.

Ms. Samuels said she does not believe that assessment was received.

Chair Phinney asked the Subcommittee to consider making a recommendation to the Director to have the Office of Data Analytics assess any racial, ethnic, or gender disparities associated with the hours that are approved for Medicaid recipients.

Ms. Abdul Rahim said she thinks the possible recommendation is a good idea, however, is afraid that it could be being masked by the amount of income received in the benefits by the client. The Medicaid recipient might not get as much as someone who is not receiving Medicaid.

Chair Phinney said the Board has access to Medicaid data, which is going to allow access at the different hours associated with different groups by race, age, and gender.

Maxine Hartranft agreed.

Chair Phinney said she thinks the Subcommittee should start there.

Ms. Cooper said she agrees with Ms. Abdul Rahim and that her son is paralyzed. He is younger and is only approved for 10 hours a week, which is not enough. Ms. Cooper says she works on her son's care for much more than 10 hours a week along with trying to work another job. Ms. Cooper said it would be a great thing to get the Medicaid client disparity data. Ms. Cooper said she has had other clients who were not POC and received 40 hours a week, so there are cases where the hours do differentiate.

Chair Phinney asked if it would be helpful to add to the recommendation a stratification about parent caregivers.

Ms. Cooper affirmed.

Chair Phinney asked Ms. Cooper if her son was a minor.

Ms. Cooper said her son is 20 years old, however still gets awarded minor ours from Medicaid because she is her son's caregiver.

Ms. Hartranft said she thinks it is interesting that Medicaid told Ms. Cooper that her son only got 10 hours because it was a case of where he lived and who was providing the care. Maybe Medicaid could speak to this or could give the Subcommittee information on their process of assessment on hours and what is taken into consideration. Ms. Hartranft said maybe the Subcommittee could make a recommendation around the fact that hours awarded should be based on the level of care the person needs, not where they live.

Chair Phinney said it would be interesting to hear from Medicaid on the topic and if the recommendation would be something they would consider. Chair Phinney said the

Subcommittee could invite staff from Medicaid to come to the next Subcommittee meeting to discuss the topic before any action is taken, as it could be very informative.

Ms. Cooper agreed.

Ms. Hartranft agreed.

Ms. Cooper said she agrees with Ms. Abdul Rahim in the fact that it cannot be ignored that systemic racism exists. The majority of workers in the healthcare field are women of color, who get paid pennies while the housing market is at an all-time high. Ms. Cooper said people will charge money for rent applications that they know they will not approve, and that it is almost the same with jobs where clients will specifically ask for someone who is not POC or that is male. Ms. Cooper said she has experienced a case where her client of three years changed to be disrespectful and hurtful towards her once Ms. Cooper decided to wear her hair natural instead of the braids she had previously, being called the help. Ms. Cooper also acknowledged that certain behaviors can be brought out of clients due to their struggle with dementia. These are issues home care workers deal with daily. Ms. Cooper said the Know Your Rights bulletin does not have any information on sexual abuse or discrimination, and that she thinks it should be on the document.

Chair Phinney asked if any information should be included in recommendations to the Director on laws coming out or discrimination issues.

Ms. Cooper said that this is an issue in a lot of states, that in some a person cannot wear dreadlocks, natural, or in an afro. That it is not considered professional. It is just a start, but is an issue specifically directed towards POC, as it is typically POC who wear these styles.

Ms. Abdul Rahim said it is an issue, because Caucasian people are not addressed when they wear their hair naturally when it is straight, but it is an issue when it grows poofy. People should be accepted for their natural hair because that is just how it comes. Ms. Abdul Rahim asked why Black individuals have to straighten or braid their hair to be considered professional, and that it is a big issue.

Chair Phinney said her understanding is that there is the Crown Act at the federal level that is being worked on but does not know the status of it.

Ms. Abdul Rahim said that if she could speak to the Director, she would ask to go through all the laws and rewrite them to remove all the words that are condescending or things that leave POC out or exclude POC from the benefits that everyone else around the world gets to have automatically. Ms. Abdul Rahim said the people who are elected need to be interviewed to ensure they are for the people and are not holding on to white supremacy or are for themselves. Ms. Abdul Rahim spoke about the low pay and hours for home care workers and that these workers need to pay for rent and day care that cannot be afforded on their current pay, along with high costs of food and gas. Ms. Abdul Rahim said she does not want to be a poster child but wants to interview these people and bring their hatred to the light to let people know they are not leaders.

Chair Phinney said daycare was an issue brought up by Ms. Abdul Rahim. The Board has established that the industry is predominantly staffed by women and can find evidence and support in research that women are predominantly impacted when daycare is unaffordable and unattainable. Chair Phinney asked the Subcommittee to think about possible recommendations and what would be helpful information related to the daycare issue. Chair Phinney said Ms. Abdul Rahim also mentioned rent and that to get into a rental required two and a half times the month's rent and said housing assistance might be another recommendation.

Ms. Cooper agreed.

Ms. Abdul Rahim agreed.

Ms. Cooper said Governor Sisolak declared racism a public health emergency, and that was a start, but people need to get down to the details and cause of it. Bringing up the issues of childcare and housing are a big deal because it does leave POC and workers in feeling like they are being pushed back. Ms. Cooper said the average minimum wage job requires 90 hours a week to be able to afford a two-bedroom apartment. Ms. Cooper revisited the issue of natural hair being deemed unprofessional another issue.

Chair Phinney suggested a recommendation that the Department and all its agencies make proactive statements that say they do not support limitations on hairstyles other than when food is being prepared, where a hair net might be required.

Ms. Cooper said she is support of instances that require hair to be pulled back for safety reasons, sharing she has had combative clients who have pulled on loose hair.

Chair Phinney said Senator Neil had a bill in the last Legislative Session that passed that was in regard to this issue and said there might be something in that bill that could be publicized by the Board and in the Know Your Rights document. Chair Phinney asked if that could be a reasonable step.

Ms. Cooper said yes.

Ms. Hartranft said home care employees now have to complete cultural competency training and asked if there is opportunity for the Medicaid recipients to receive some sort of cultural competency, such as a statement, since it seems like the Medicaid recipients are making comments about hair or skin color.

Chair Phinney said that is an interesting question the Board could bring up with Medicaid since they have communications with their recipients.

Ms. Cooper said the Subcommittee needs to have in mind that some of these clients have dementia and other diseases like that. Racism is something that is taught, not something that is inherent, so it is a tough thing to do to reteach something like that when someone has dementia where they cannot remember a few minutes ago but remember something from childhood. Ms.

Cooper said with her experience, she was hurt when someone she had been caring for a long time had said something hurtful, but then remembered the work side of it in that it was an illness the person has. A lot of times it is hurtful, and workers have to deal with it, but it could also be a medical thing as well. It is important to be educated. Ms. Cooper also said in regard to the cultural competency training, if workers are required to do it, it needs to be paid for.

Ms. Abdul Rahim said cultural training is not worth it because people know right and wrong and know when they are being mean or not mean. Ms. Abdul Rahim agreed in that if workers need to take the training it should be paid for, but also said she does not know if that is the right thing to do when it comes to POC being disrespected.

Chair Phinney said it is already against the law to discriminate but is very difficult to make individuals follow those rules and they are still hurtful. Chair Phinney asked if there is anything the Subcommittee would want for the industry by way of support and when discrimination does happen, would there be something that is useful to the workers in the industry, if there is anything that is useful to the workers in the industry to support in dealing with those instances.

Ms. Cooper said it would be helpful if problems and situations brought forth were not disregarded and action would be taken so that there were consequences, the same as it would be for sexual harassment in the workplace. Ms. Cooper said this could include training on offensive comments and actions. Ms. Cooper gave the example of people touching her hair without consent.

Ms. Abdul Rahim said she has heard of states that have supportive programs for victims of slander or harassment, that have a hotline or office to make a report about a particular client. Ms. Abdul Rahim said maybe these systems could result in a new worker being assigned or reduction in benefits for the client if certain behaviors continue. Ms. Abdul Rahim said it is important for workers to have support and for clients to know they will not continue to be able to get away with harassment or abuse.

Chair Phinney asked if Ms. Hartranft had thoughts on Ms. Abdul Rahim's points from an industry perspective.

Ms. Hartranft said she liked Ms. Abdul Rahim's idea of having investigations done or a place to officially report things where they are documented and tracked. Ms. Hartranft said that she has had instances when staffing a case where clients request a certain gender or certain ethnicities, but her industry stands behind sending clients workers who are a good fit and have the availability, regardless of gender or race. Ms. Hartranft reiterated that a place to report would be interesting.

Ms. Cooper said there are a lot of people who do not get placed right away or have a long period of time where they do not have a caregiver because of instances like what Ms. Hartranft described. Ms. Cooper said it is more of a reason why there needs to be training on both sides, the recipient and employment. Ms. Cooper said she has been sent to a lot of problem clients because she has the training and knows how to deal with those clients versus someone who does not know how to deal with them. Training is important. Ms. Cooper said another aspect to consider is the client's viewpoint when making specific caregiver requests, saying for example if

a woman was a rape victim and does not feel comfortable with having a male caregiver. The subcommittee needs to come up with a solution to weed out people making specific requests for the wrong reasons. There are a lot of different things going on that need to be considered.

Chair Phinney said her list of possible topics include issues regarding limitations or commenting on hairstyle, the cost of daycare, the cost of housing, complaint processes when recipients of services are discriminatory, and hours that are approved for clients based on race, gender, and ethnicity, as well as family caretakers. Chair Phinney said the committee may be in support of the declaration of a public health emergency related to racism as an additional agenda item.

Ms. Cooper suggested the Subcommittee look at Senator Neal's bill on hair discrimination.

Chair Phinney agreed and said staff will work on researching and organizing the proposed agenda items.

Agenda Item 5: Possible Action Item – Recommendations for future agenda items.

Chair Phinney asked if there are any additional recommendations for future agenda items. None heard.

General Public Comment

Gerardo Louis Gonzalez stated agreeance with the points made by Ms. Abdul Rahim and Ms. Cooper. Mr. Louis Gonzalez said systemic racism does not only hurt the workers of color, but also affects clients of all races because it creates problems where they are not able to get the care they need. The poverty wages are one of the factors that are dragging the industry backwards and not allowing new people to be hired and interested in getting into the industry. Mr. Louis Gonzalez said he thinks one of the reasons why might be since this kind of job is done mostly by women and women of color, that might be the reason why it is not being look at as a priority or as a problem in the general work field.

Kristi De Leon asked if there is a possibility for the Subcommittee to look into how the employers pays the employees at different rates. Ms. De Leon said there might be some injustice happening since employers can pay workers whatever rate they want. Especially if certain groups are being lift up more, such as being given more private pay clients who pay more versus Medicaid clients.

Chair Phinney said she very much wishes a Labor Commissioner was appointed to be able to speak to about these issues and that she will check again with the Director's Office and Governor's Office to see if an appointment is any closer, as the Labor Commissioner would be the expert on that information.

Adjournment – Cody Phinney, Chair Designee

Meeting Adjourned at 2:06 p.m.